

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Summary of Office Action

The Office Action rejects claims 1-5 and 7-16 under 35 U.S.C. § 112, second paragraph, as being indefinite and incomplete.

The Office Action rejects claims 1-5 and 7-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Office Action rejects claims 1-5, 7-16 and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0065614 to Sweeney (“Sweeney”) in view of U.S. Patent Pub. No. 2002/0116323 to Schnall (“Schnall”) and U.S. Patent Pub. No. 2003/0093366 to Halper et al. (“Halper”).

Summary of Response to Office Action

In Response to the March 3, 2009 Office Action, Applicant hereby amends claim 1 and cancels claim 30 without prejudice or disclaimer. Accordingly, claims 1-5 and 7-16 are pending and claim 1 is the only pending independent claim.

I. Rejection of Claims Under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 1-5 and 7-16 under 35 U.S.C. § 112, second paragraph, as reciting subject matter that is allegedly indefinite. The rejection is respectfully traversed.

By this amendment, claim 1 is amended to obviate the rejection under 35 U.S.C. § 112. Accordingly, withdrawal of the rejection of claims 1-5 and 7-16 under 35 U.S.C. § 112 is respectfully requested.

II. Rejection of Claims 1-5 and 7-16 Under 35 U.S.C. § 101

The Office Action rejects claims 1-5 and 7-16 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The rejection is respectfully traversed.

By this amendment, claim 1 is amended to obviate the rejection under 35 U.S.C. § 112. Applicant submits that the amendment to claim 1 addresses the Office Action's assertions regarding whether the instant claims constitute patentable subject matter. Accordingly, withdrawal of the rejection of claims 1-5 and 7-16 under 35 U.S.C. § 101 is respectfully requested.

III. Rejection of Claims 1-5, 7-16 and 30 Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-5, 7-16 and 30 under 35 U.S.C. § 103(a) as unpatentable over Sweeney in view of Schnall and Halper. The rejection is respectfully traversed.

The Office Action asserts that Sweeney teaches a method comprising: consolidating financial information from at least one borrower, a guarantor and a property into a central database and calculating financial cash flow for at least one of the guarantor, the borrower and the property. The Office Action acknowledges that Sweeney fails to disclose unifying individual and corporate financial wealth, which is based upon calculating financial cash flow to determine global debt service, wherein the global debt service is further based upon individual global debt service information and corporate global debt service information. However, the Office Action alleges that Sweeney teaches “global debt service” in the form of a matrix

The Office Action also asserts that Schnall discloses credit information associated with a secondary party which may be analyzed to assist in approving the loan. However, the Office Action then concludes that one of ordinary skill in the art at the time of Sweeney would be motivated to modify Sweeney to provide the most accurate credit picture available by the consolidation of both corporate and financial wealth. The Office Action also states that Sweeney would recognize the fact that such a modification by Schnall would result in lower default and better credit decisions.

The Office Action also acknowledges that Sweeney and Schnall fail to disclose performing risk assessment based upon net profit, depreciation data, net cash flow, current debt and proposed debt. The Office Action also asserts that Sweeney and Schnall suggest the fact that one of ordinary skill in the art would recognize that in the loan and/or credit processing art, guarantors are greatly concerned with risk assessment measures in order to qualify or disqualify loans based upon lenders' criteria.

The Office Action asserts that Halper discloses receiving information about a loan, and discloses calculating various scores into one score which are considered risk factors that are used to determine whether or not to approve/fund a loan or an insurance claim.

However, the combination of Sweeney, Schnall and/or Halper fails to disclose performing a risk assessment based upon net profit depreciation data, net cash flow, current debt and proposed debt, as recited in claim 1 of Applicant's invention.

The system of Sweeney is only directed to rules based underwriting where an underwriter's website includes webpages for a multiscreen loan application. After determining a credit score, the system in Sweeney sends the score to loan product identifier to determine which type of loan an applicant may be eligible to receive. Once the loan product is identified, a term sheet identifier may send the results to the applicant. Sweeney does not teach or suggest global debt service as recited in claim 1. The matrix Sweeney does not correlate to such a calculation. Furthermore, Sweeney does not teach, suggest or contemplate an analysis based on added values of claim 1.

Schnall is directed to a method and apparatus for providing loan information to multiple parties. The system and method of Schnall provides loan data made to a primary party where the loan has a secondary party. A person of ordinary skill in the art would have no reason to seek out the features of Sweeney and modify them and incorporate them into the disclosure of Schnall. Schnall is not related loan qualification and thus one of skill in the art would not consider combining Sweeney and Schnall.

Halper discloses a risk assessment system that takes into two of the following factors: fraud risk factor, a credit risk factor and a property valuation risk factor, but which does not

consider the factors recited in claim 1 of Applicant's invention. Thus, Halper fails to supply the deficiencies of Sweeney and Schnall.

Therefore, neither Sweeney nor Schnall nor Halper provides the features of the Applicant's invention, for example, performing a risk assessment based upon net profit depreciation data, net cash flow, current debt and proposed debt, as recited in claim 1. Furthermore, Sweeney, Schnall and Halper fail to teach or suggest generating an individual global debt service report; and generating an individual financial report, as recited in claim 1. While Sweeney does disclose a "matrix," this matrix does not teach or suggest generating an individual global debt service report and generating an individual financial report.

Thus, withdrawal of the rejection of claim 1 under 35 U.S.C. § 103 is respectfully requested. Furthermore, withdrawal of the rejection of defendant claims 2-5 and 7-16 under 35 U.S.C. § 103 is respectfully requested for the reasons described above and for the additional features which those claims recite.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account listed on Applicant's initial application filing transmittal document.

Respectfully submitted,
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